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20 ORACLE AMERICA, INC.,

21 Plaintiff,

22 v.

23 GOOGLE INC.,

24 Defendant.

25 Case No. 3:10-cv-03561-WHA

26 **DECLARATION OF REID MULLEN IN
27 SUPPORT OF GOOGLE INC.'S REPLY
28 IN SUPPORT OF MOTION TO STRIKE
PORTIONS OF THIRD EXPERT
REPORT BY IAIN COCKBURN AND
EXPERT REPORT BY STEVEN SHUGAN**

29 Dept.: Courtroom 8, 19th Floor
30 Judge: Hon. William Alsup

1 I, Reid Mullen, declare as follows:

2 1. I am an associate in the law firm of Keker & Van Nest LLP, counsel to Google
3 Inc. ("Google") in the present case. I submit this declaration in support of Google's Motion to
4 Strike Portions of the Third Expert Report by Iain Cockburn and Expert Report by Steven
5 Shugan [Dkt. No. 718] ("Motion") and Google Inc.'s Reply in Support of Motion to Strike
6 Portions of the Third Expert Report by Iain Cockburn and Expert Report by Steven Shugan
7 ("Reply"). I have knowledge of the facts set forth herein, and if called to testify as a witness
8 thereto could do so competently under oath.

9 2. Google attached to the Declaration of David Zimmer in support of Google Inc.'s
10 Motion to Strike Portions of the Third Expert Report by Iain Cockburn and Expert Report by
11 Steven Shugan [Dkt. No. 719] ("Zimmer Decl.") excerpts from the rough transcripts of the
12 depositions of Dr. Iain Cockburn, John Rose, Hinkmond Wong, Dr. Peter Kessler, and
13 Christopher Plummer. Because of the short time between those depositions and the filing of
14 Google's Motion, certified transcripts were unavailable at the time Google filed its motion. I
15 have reviewed the certified transcripts and the rough transcripts, and confirmed that the
16 substance of the certified transcripts is generally the same as the rough transcripts attached to the
17 Zimmer Decl., though some of the page and line numbers are different. For the Court's
18 reference, I am attaching the excerpts from the certified transcripts that correspond to the
19 uncertified transcripts attached to the Zimmer Decl.

20 3. Attached hereto as **Exhibit A** are true and correct copies of excerpted pages from
21 the certified transcript of the deposition of Dr. Iain M. Cockburn, taken February 10, 2012. This
22 includes the selections from Dr. Cockburn's deposition that were attached to the Zimmer Decl. in
23 rough form. It also includes additional excerpts from the certified transcript cited by Google in
24 its Reply in support of the Motion.

25 4. Attached hereto as **Exhibit B** are true and correct copies of excerpted pages from
26 the certified transcript of the deposition of Christopher Plummer, taken February 16, 2012.

27 5. Attached hereto as **Exhibit C** are true and correct copies of excerpted pages from
28 the certified transcript of the deposition of John Rose, taken February 15, 2012.

6. Attached hereto as **Exhibit D** are true and correct copies of excerpted pages from the certified transcript of the deposition of Hinkmond Wong, taken February 16, 2012.

7. Attached hereto as **Exhibit E** are true and correct copies of excerpted pages from the certified transcript of the deposition of Dr. Peter Kessler, taken February 16, 2012.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Francisco, California on February 28, 2012.

By: /s/ Reid Mullen
REID MULLEN